

Exhibit K

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 1

** HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER **

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE APPLE iPHONE ANTITRUST) Civil Action No.
LITIGATION) 4:11-cv-06715YGR

ZOOM VIDEOTAPED DEPOSITION OF
MICHAEL SCHMID, VOLUME I
Gig Harbor, Washington
Monday, February 15, 2021

Reported by:

LORI M. BARKLEY, CSR No. 6426

PAGES 1 - 321

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 11

1 MICHAEL SCHMID,
2 having been administered an oath, was examined and
3 testified as follows:
4

5 EXAMINATION

6 BY MS. MOSKOWITZ:

7 Q. Before I begin, I just want to note for the
8 record that at 1:00 a.m. Pacific, Apple produced over
9 a 133,000 documents, comprising over 780,000 pages,
10 of which merely 9,000 documents and over 35,000 pages
11 were from Mr. Schmid's file.

12 Epic reserves all of its rights in that
13 regard.

14 Good morning, Mr. Schmid.

15 A. Good morning.

16 Q. As you heard my name is Lauren Moskowitz, I
17 represent the plaintiff Epic Games in this matter.

18 Would you please just for the record state
19 again your name and your home address?

20 A. Sure.

21 My name is Michael George Schmid, and my
22 home address is [REDACTED] in
23 [REDACTED].

24 Q. You heard a little bit of discussion before
25 we got on the record just about some of the rules and

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 95

1 Store and the tools are a huge part of that.

2 BY MS. MOSKOWITZ:

3 Q. Is it your understanding that developer
4 tools are free?

5 MS. YANG: Objection to form.

6 THE WITNESS: Again, I'm not an engineer.
7 It is my understanding that Xcode is a free to
8 download utility that can allow to you start building
9 an app.

10 BY MS. MOSKOWITZ:

11 Q. And is that something that you think is a
12 good thing for developers to have free access to
13 tools that allowed it to develop software for iOS?

14 A. I think that is a benefit, yes.

15 Q. Do you have any understanding at all, one
16 way or the other, as to whether allowing developers
17 to have free access to tools, to developer tools as
18 you put it, results in the App Store being
19 successful?

20 MS. YANG: Objection to form.

21 THE WITNESS: There's never been an
22 alternative that I could compare directly with,
23 with --

24 BY MS. MOSKOWITZ:

25 Q. And when you said there's never been -- I'm

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 96

1 sorry, I interrupted you. My bad.

2 I heard you say there's never been an
3 alternative that I can compare directly with, and
4 then I cut you off.

5 A. So you're asking me to make the connection
6 as to whether or not the free access of tools
7 directly correlates to the success of the App Store?

8 Q. Yes.

9 A. In order to say that with, you know, a data
10 point, I would have either to have seen a version of
11 the App Store with pay for tools and measure the
12 Delta. So I think we're going down on a path that
13 would be difficult for me to give you any conclusive
14 measurement for.

15 Q. And what do you think of when one referred
16 to Apple's investment in services; what is that
17 referring to?

18 MS. YANG: Objection to form.

19 THE WITNESS: Apple's investment in services
20 in regards to developers and the App Store is very
21 broad and very far reaching, anywhere from Apple Care
22 representative that takes a call for a refund, to the
23 refund technology itself, to the App Store connect
24 services and documentation, to the support team that
25 handles all the documentation and escalations, to the

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 97

1 engineers that built it. So it's quite broad and
2 quite wide.

3 BY MS. MOSKOWITZ:

4 Q. And what is your understanding about what
5 Apple's investment is in those services?

6 MS. YANG: Objection to form.

7 THE WITNESS: From a monetary perspective, I
8 could not say. I have no understanding of that at
9 all.

10 BY MS. MOSKOWITZ:

11 Q. Do you have any understanding as to whether
12 App Store revenue funds those services in any way?

13 A. I do not.

14 MS. YANG: Objection to form.

15 THE WITNESS: I'm sorry.

16 BY MS. MOSKOWITZ:

17 Q. Do you have an understanding that Apple's
18 investment in those services is a key reason for the
19 App Store's success?

20 MS. YANG: Objection to form.

21 THE WITNESS: That is my belief.

22 BY MS. MOSKOWITZ:

23 Q. And what it is the basis for that belief?

24 A. I was a developer for seven years.

25 Q. Can you explain what you mean by that?

1 A. Sure.

2 So I was a customer of those App Store
3 services and tools for years and helped build
4 businesses off of those services and tools. It is my
5 belief that without those services and tools, those
6 businesses would not have succeeded or thrived in the
7 way that they did.

8 Q. And those businesses in order to reach iOS
9 users have to go through the App Store, correct?

10 A. Correct.

11 MS. YANG: Objection to form.

12 BY MS. MOSKOWITZ:

13 Q. And you as a developer if you wanted to
14 reach iOS users, you had to develop and offer your
15 app through the App Store, correct?

16 MS. YANG: Objection to form.

17 THE WITNESS: Incorrect.

18 BY MS. MOSKOWITZ:

19 Q. Okay. What else did you -- what other means
20 did you have?

21 A. I worked on a number of web applications
22 that also could reach iOS developers through the open
23 web.

24 Q. In order to reach iOS users by offering a
25 native app, you have to go through the App Store,

HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER

Page 321

1 STATE OF CALIFORNIA) ss.
2 COUNTY OF LOS ANGELES)
3

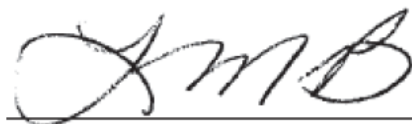
4 I, Lori M. Barkley, CSR No. 6426, do hereby
5 certify:

6 That the foregoing deposition testimony
7 taken before me at the time and place therein set
8 forth and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all
11 objections made by counsel at the time of the
12 examination were recorded stenographically by me, and
13 were thereafter transcribed under my direction and
14 supervision, and that the foregoing pages contain a
15 full, true and accurate record of all proceedings and
16 testimony to the best of my skill and ability.

17 I further certify that I am neither counsel
18 for any party to said action, nor am I related to any
19 party to said action, nor am I in any way interested
20 in the outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my
22 name this 16th day of February, 2021.

23 
24

25 LORI M. BARKLEY, CSR No. 6426